

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

MALIK ALEEM

CIVIL ACTION NO. 06-0608-P

-vs-

JUDGE TRIMBLE

T.W. THOMPSON

JUDGMENT

Before the court is a report and recommendation of the magistrate recommending that the civil rights action filed by *pro se* plaintiff Malik Aleem (“Aleem”) pursuant to 42 U.S.C. § 1983¹ be dismissed without prejudice for failure to exhaust administrative remedies [Doc. #4]. Aleem, who is proceeding *in forma pauperis* pursuant to a court order of 24 April 2006 [#3], timely filed an objection to the magistrate’s report [#10].² This court declines to adopt the recommendation of the magistrate for the reasons set forth below.

The report and recommendation contends that Aleem admitted his failure to exhaust administrative remedies by stating in his complaint that a grievance procedure is not available at Winn Correctional Center (“Winn”). Magistrate’s Report 3. Aleem actually

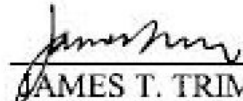
¹ Aleem’s complaint was filed pursuant to 42 U.S.C. § 1983, not 18 U.S.C. § 1983 as indicated in the magistrate’s report.

² This court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations by the magistrate. See 28 U.S.C. § 636(b)(1); LR 74.1W(B); United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989). The district court is not, however, required to reiterate the findings and conclusions of the magistrate if found to be correct. See Warren v. Miles, 230 F.3d 688, 694-95 (5th Cir. 2000); Koetting v. Thompson, 995 F.2d 37, 40 (5th Cir. 1993).

states in his complaint, however, that the correctional facility in Jena, Louisiana, where he was temporarily detained following Hurricane Katrina, had no administrative grievance procedure in place for him to follow. Compl. II.A, II.B.2; Pl.'s Objection 1. Indeed, it is his temporary detention at the Jena facility that is the subject of this lawsuit, not his detention at Winn. It is unclear to this court which administrative remedies the magistrate believes Aleem has failed to exhaust. Accordingly, Aleem's complaint will not be dismissed.

Alexandria, Louisiana

16 June 2006



JAMES T. TRIMBLE, JR.
U.S. DISTRICT JUDGE